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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,146	03/06/2002	Yoshinobu Imabeppu	1580.1004	5916

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EXAMINER

AUGUSTIN, EVENS J

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/091,146	IMABEPPU ET AL.	
	Examiner	Art Unit	
	Evens Augustin	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-8 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Status of Claims

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action during a phone on 2/27/06 has been considered to be persuasive and, therefore, the finality of that action mailed 12/12/2005 is withdrawn.
2. Claims 1-3, 5-8 and 10-12 have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5-8 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Joao (U.S 6542076).

As per claims 1-3, 5-8 and 10-12, Joao discloses an invention that pertains to a control, monitoring apparatus and method and, in particular, to a control, monitoring, apparatus and method for exercising and/or providing control, monitoring commercial premises, structures and/or equipment, in a network environment. The invention uses client/server technology and

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methods and/or techniques (column 16, lines 12-16, column 35, line 66) – *Claim 12*, comprising of the following:

- Using video recording devices or cameras to receive and transmit video images/animation or photographs (column 14, lines 30-33) of manufacturing equipment and any other commercial office and/or equipment (column 14, lines 15-16), in a network environment (column 3, line 24, column 20, line 48) – *Claims 1, 2, 3, 12*
- The monitoring/detection device can also be used in an **assembly facility** or factory (column 92, lines 55-60). The device is used to monitor the status, state or operation commercial facility and/or equipment (column 15, lines 32-34). In this case, motoring/detection is being used synonymously with inspection – *Claims 1, 12*
- Monitoring and detection apparatus used in conjunction with **Global Positioning System** (GPS) to determine position and/or location data (column 16, lines 54-56, column 99, lines 23-25)) – *Claims 1, 12*
- The transmitted data is being sent in real time and or live (column 96, lines 7-13). Data being transmitted in real time and/or live inherently comprises of date/time component – *Claims 1, 12*
- According to Encyclopedia Britanica and <http://en.wikipedia.org>, part of the general definition of GPS is that allow small electronic devices to determine their location (Longitude, Latitude, and Altitude) in within a few meters using time signals transmitted along a line of sight by radio from satellites - The GPS is constantly tracking and updating data with regard to position and real time movement (column 7, lines 50-51, 56, 58-59) – *Claim 5*

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- Object position and/or location is transmitted as a radio signal (column 32, lines 62-63, column 100, line 34) - *Claims 6, 10*
- Telephone signals and telephone communication devices can also be utilized (column 4, lines 7-8, column 22, lines 1-4) – *Claim 7*
- The signals being transmitted are encrypted (column 101, lines 10-17) – *Claims 8, 11*

Conclusion

5. *Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that if the applicant is preparing to respond, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.*
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - **Clark et al. (US 20050197115)** - A system and method for wireless communication with a welding system is provided. The system includes a welding system having a WAP client component and a wireless communication component facilitating post second generation mobile communications between the welding system and a WAP

gateway component. The welding system can further include a global positioning component and/or a browsing component

- **Farris et al. (US 6677858)** - The present invention relates generally to improvements in the operation and performance of client-server type internetworked computer systems of global extent, such as the Internet, and more particularly to a novel Internet-based information system and method which enables millions of time-constrained competitions, contests or transactions, among the mass population, in a fundamentally fair and secure manner, using globally time-synchronized client subsystems and information servers having extreme accurate client-event resolution independent of variable network latency.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evens Augustin whose telephone number is 571-272-6860. The examiner can normally be reached on Monday thru Friday 8 to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammel can be reached on 571-272-6712.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-6584.

Evens J. Augustin

March 28, 2006

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JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600